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SENATE BILL 314

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO HEALTH; ESTABLISHING CERTAIN DEPARTMENT OF HEALTH
DUTIES PERTAINING TO PERSONS LIVING WITH THE HUMAN
IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME;
CREATING A MEDICAL ADVISORY COMMITTEE; CREATING AN INDEPENDENT
OMBUDSMAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Billy Griego HIV and AIDS Act".

Section 2. PURPOSE. -- The purpose of the Billy Griego HIV
and AIDS Act is to ensure that consumers are the focus of the
funding and services provided and their consideration is to be
the determining factor in all the state's human
immunodeficiency virus and acquired immune deficiency syndrome
programs.

underscored material = new
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1 Section 3. DEPARTMENT OF HEALTH- - DUTIES. - - The department
2 of health shall serve as the state's human immunodeficiency
3 virus and acquired immune deficiency syndrome service
4 coordinator among all state agencies, providing direct and
5 contract education and prevention and treatment services for
6 eligible persons, subject to the availability of funds. The
7 department shall serve as the state contract administrator for
8 federal Ryan White services funding as well as for all federal
9 centers for disease control and prevention human
10 immunodeficiency virus and acquired immune deficiency syndrome
11 programs. Services shall include prevention, clinical
12 services, a drug assistance and insurance assistance program to
13 eligible individuals and programs appropriate for Native
14 Americans, including traditional medicine services. Wherever
15 possible, services shall be delivered through a consumer-based
16 organization. The department of health shall include a quality
17 assurance component in all services and shall ensure that all
18 clients are educated about their rights and responsibilities
19 and the department's grievance procedures.

20 Section 4. MEDICAL ADVISORY COMMITTEE CREATED- -
21 MEMBERSHIP- - DUTIES. - -

22 A. There is created at the department of health a
23 "medical advisory committee" to consist of seven members,
24 chaired by the department's chief medical officer or the
25 officer's designee. Committee membership shall consist of four

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underscored material = new
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1 physicians and two consumers with current experience in the
2 treatment of human immunodeficiency virus and acquired immune
3 deficiency syndrome.

4 B. The committee shall review the department of
5 health's human immunodeficiency virus and acquired immune
6 deficiency syndrome drug formulary and policies regarding
7 selection, utilization and provision of those drugs and
8 recommend changes as appropriate to the department of health
9 and report its recommendations to the governor's HIV and AIDS
10 policy commission.

11 Section 5. OMBUDSMAN--DUTIES.--An independent "office of
12 HIV and AIDS ombudsman" is created. The ombudsman shall be
13 appointed by and serve at the pleasure of the governor. The
14 office shall record and review all complaints and requests for
15 services that come to its attention about public programs and
16 services for persons living with the human immunodeficiency
17 virus and acquired immune deficiency syndrome statewide. The
18 office shall make an annual report to the department of health
19 by November 1 of each year on its activities and
20 recommendations.

21 Section 6. ANNUAL REPORT--POLICIES AND PROCEDURES.--

22 A. The department of health shall provide an annual
23 report on activities conducted pursuant to the Billy Griego HIV
24 and AIDS Act. The report shall be submitted no later than
25 December 15 to the legislature and the governor.

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